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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE PRANAY VERMA**

**ON THE 25<sup>th</sup> OF JANUARY, 2024**

**WRIT PETITION No. 12611 of 2023**

**BETWEEN:-**

**DURGA GURJAR W/O SHRI DHARMENDRA GURJAR,  
AGED ABOUT 31 YEARS, OCCUPATION: NIL R/O: 01  
FOREST COLONY, VISTAN NAKA DIST. KHARGONE  
(MADHYA PRADESH)**

**.....PETITIONER**

**(BY SHRI AKASH SHARMA - ADVOCATE)**

**AND**

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL  
SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION VALLABH BHAWAN BHOPAL,  
DISTRICT BHOPAL (MADHYA PRADESH)**
- 2. THE COLLECTOR DIST. COLLECTOR  
COLLECTOR, KHARGONE (MADHYA PRADESH)**
- 3. THE DISTRICT EDUCATION OFFICER DISTRICT  
KHARGONE (MADHYA PRADESH)**
- 4. MP PROFESSIONAL EXAMINATION BOARD /  
EMPLOYEES SELECTION BOARD CHAYAN  
BHAWAN, BHOPAL (MADHYA PRADESH)**

**.....RESPONDENTS**

**(BY SHRI ANENDRA SINGH PARIHAR - PANEL LAWYER FOR  
RESPONDENT NO.1,2 AND 3.**

**BY SHRI KOUSTUBH PATHAK - GOVERNMENT ADVOCATE FOR  
RESPONDENT NO.4.)**

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*This petition coming on for admission this day, the court passed the  
following:*

**ORDER**

By this petition preferred under Article 226 of the Constitution of India,

the petitioner has prayed for the following reliefs:-

- "1) That the Hon'ble Court be pleased to allow the petition by issuing the writ of mandamus and directing the respondents to accept the candidature of the petitioner in pursuance of the result Annexure P/3.
- 2) To, direct the respondents to verify the documents of the petitioner.
- 3) To, direct the respondents to consider the diploma P/4 as valid diploma and direct to allow to participate the petitioner in further process of appointment.
- 4) Any other relief, which the Hon'ble Court deems fit in the facts and circumstances of the case, be granted to the petitioners."

02. At the outset, learned counsel for the petitioner has drawn attention of this Court to the order dated 07.05.2013 passed in W.P. No.5261/2013(s) **(Smt. Sangita Patidar and Others Vs. Principal Secretary State of M.P. and others)** in which it was held as under:-

"Learned counsel for the petitioners submits that in all writ petitions, the petitioners have obtained D.Ed. certificate from the institute run by Dr. Bhim Rao Ambedkar Royal Society of Health and Education, which is a registered educational society under the Society Registrikaran Adhiniyam, 1973 and which is approved by the Government of India (Distance Education Council of IGNOU) vide letter No.PIU/1730 dated 20<sup>th</sup> January, 2004. He has submitted that these petitioners fulfill all requisite qualifications but their candidature has been rejected only on the ground that they have obtained D.Ed. certificate from an institute recognized by IGNOU.

Learned counsel for the State before this Court has fairly stated that D.Ed. certificate obtained from the institute recognized by IGNOU is one of the qualification which falls within the eligibility conditions prescribed under the Rules and the petitioners who possess these qualifications they will be duly considered by the concerned authority without rejecting their candidature on this ground.

Keeping in view the aforesaid submissions made by learned counsel for the parties, the writ petitions are disposed of by directing the respondents to consider the candidature of the petitioners a fresh, keeping in view the qualification which is prescribed under the Rules and qualification which the petitioners possess. It is further directed that the candidature of the petitioners will not be rejected only on the ground that they have obtained D.Ed. certificate from an Institute which is recognized by IGNOU. If the petitioners possess the requisite qualification they would be allowed to participate in the

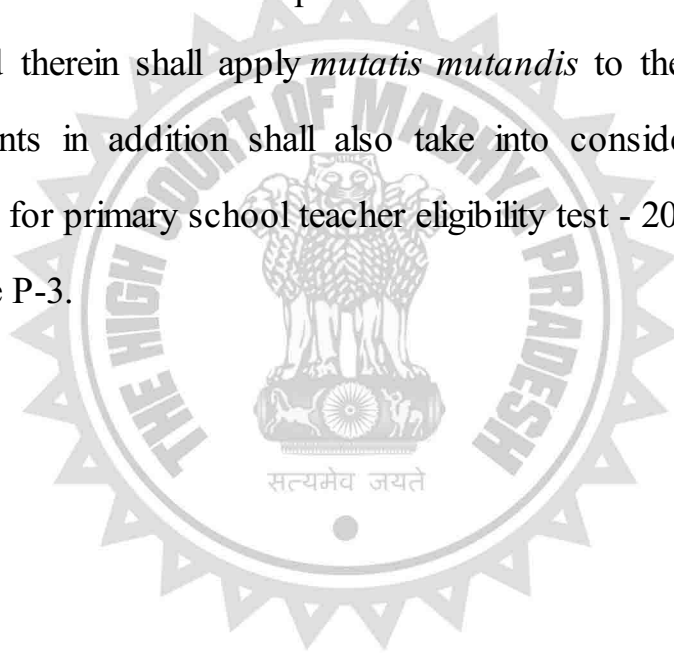
**selection process. In case of rejection of their candidature on any other ground they will be duly conveyed the reason for rejection.**

**Let the said exercise be done within a period of four weeks from the date of receipt of certified copy of this order."**

03. A perusal of the record of the present petition reveals that the facts of the present case are identical to the facts of the aforesaid case and the institute in question is also the same namely Dr. Bhim Rao Ambedkar Royal Society of Health and Education, which is approved by the Government of India (Distance Education Council of IGNOU).

04. Thus in view of the aforesaid, this petition is also allowed in terms of the order dated 07.05.2013 passed in W.P. No.5267/2013 (s) and directions contained therein shall apply *mutatis mutandis* to the present case also. The respondents in addition shall also take into consideration the result of the petitioner for primary school teacher eligibility test - 2020- result as contained in Annexure P-3.

Shilpa



**(PRANAY VERMA)  
JUDGE**